

WILLKIE FARR & GALLAGHER LLP

787 Seventh Avenue
New York, NY 10019-6099
Tel: 212 728 8000
Fax: 212 728 8111

MEMORANDUM ENDORSED

June 26, 2020

VIA ECF

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/27/20

Hon. Gregory H. Woods
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Motion for Compassionate Release, *USA v. Reichberg*, No. 16-cr-468

Dear Judge Woods:

I represent the Defendant Mr. Jeremy Reichberg (“Mr. Reichberg”) with regard to an upcoming Motion for Compassionate Release Under 18 U.S.C. § 3582(c)(1)(A)(i) (the “Motion”). I write to move before this Court for permission to file the memorandum in support of the Motion, as well as the exhibits to the Motion, under seal pursuant to Federal Rule of Criminal Procedure 49.1(d).

The Motion and exhibits will contain and/or describe Mr. Reichberg’s medical records, which Mr. Reichberg has a right to keep confidential. *Hand v. New York City Transit Auth.*, No. 11-CV-997 RRM MDG, 2012 WL 3704826, at *5 (E.D.N.Y. Aug. 26, 2012) (“Federal law generally treats medical records as confidential.”) In addition, Mr. Reichberg will be referencing and submitting portions of his Presentence Investigation Report, another confidential document. *See United States Department of Justice v. Julian*, 486 U.S. 1, 12 (1988) (“[I]n both civil and criminal cases the courts have been very reluctant to give *third parties* access to the presentence investigation report prepared for some other individual or individuals.”). In order to protect Mr. Reichberg’s privacy, the relevant materials should be filed under seal.

Pursuant to Rules 6.4 and 18.1 of the Court’s ECF Rules and Instructions, our understanding is that, upon entry of a sealing order, we ordinarily would be required to deliver paper copies of this letter and the proposed-to-be-sealed documents to the court’s depository box located in the lobby of the 500 Pearl Street courthouse. Given the extraordinary circumstances of the ongoing coronavirus pandemic, we request the Court order that Petitioners may file the materials under seal electronically through the ECF system or by email delivery to chambers.

June 26, 2020

Page 2

Best Regards,

/s/ Casey E. Donnelly

Casey E. Donnelly

cc: All counsel of record (via ECF)

Application denied. The request to file a motion and its exhibits under seal in its entirety is denied. Counsel may propose appropriate redactions to any motion, and any documents submitted in connection with the motion. Given the presumption of public access to judicial documents, the Court cannot endorse the filing of a motion and exhibits under seal in its entirety because of the prospect that elements of the submission may properly be protected. The Court points counsel to the Court's Individual Rules of Practice in Civil Cases, particularly Rule 4.A, which provides guidance regarding the Court's practices and expectations with respect to applications to redact documents or to file them under seal. Counsel may follow the protocol described there and submit complete versions of unredacted documents to the Court by email.

SO ORDERED
June 27, 2020



GREGORY H. WOODS
United States District Judge